



Natural Resources Conservation Service
1201 NE Lloyd Blvd., Suite 900
Portland, OR 97232

February 24, 2009

OREGON BULLETIN NO. OR-300-2009-4

SUBJECT: LTP –Signature Authority and Land Control Requirements for FY2009 Farm Bill Funds

Purpose. To provide immediate guidance relating to signature authority and proof of land control of FY2009 Farm Bill applications.

Expiration Date. September 30, 2009.

While long-term guidance will be issued, the purpose of this bulletin is to provide immediate information to NRCS Oregon offices to assist in the obligation of FY2009 Farm Bill funds. Specifically, this bulletin provides the following information to Oregon NRCS Field Offices:

Acceptable proof of land control for contract participants
Appropriate signature authority documentation for entities

This bulletin is not intended to be complete guidance, particularly in the area of signature authority.

CONTROL OF LAND:

During the open obligation review process, lack of evidence relating to control of the land for the life of the contract was a recurring issue. In Oregon, the following documentation is required to prove control of the land under contract for the life of the contract. Proof must be provided for all tracts under contract.

If contract participant is the landowner, use either:

Deed, or
Tax Records

If contract participant is not the landowner, use either:

Lease, or
Letter of Control from the landowner, or
Landowner signature on the contract

NOTE: For existing contracts, the FSA Subsidiary Print records are permissible for proof of control. However, they must be generated each year to show continued control for the life of the contract. For new contracts, the items listed above are strongly preferred verification of control of the land. Field offices are encouraged to reduce the use of the FSA Subsidiary Print records.

SIGNATURE AUTHORITY:

Contract participants should sign documents the same way every time, i.e., if the contract is signed Sandra K. Smith, all documents relating to that contract should be signed Sandra K. Smith NOT Sandy Smith, S.K. Smith, etc.

Spouses cannot sign contracts, modifications, or payments unless they are on the contract or a Power of Attorney (POA) is in place. The easiest method is to have the spouse on the contract as a 0% share and the appropriate boxes (signature acceptable for modification/payment) checked on the participant information screen in ProTracts.

All non-individual contracts (i.e., LLCs, joint operations, etc.) need to provide proof of signing authority. Ideally this would be included in the entity paperwork at the time of creation but can also be a resolution passed by the members, a power of attorney form, or some equivalent document that clearly indicates who has signing authority, who granted them that authority, and that whoever granted the signing authority had the power to do so. Failure to have signing authority will require that all members of an entity sign all documents relating to the contract, everytime.

Contracts obligated without proper signing authority are invalid and will be terminated.

REMEMBER: The Memorandums for the Record (MFRs) that were used during the review process were for the purposes of the review only and were for correcting errors noted at that time. **THEY ARE NOT TO BE USED IN THE FUTURE.**

/signed/

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State Conservationist

cc via website:

<http://www.or.nrcs.usda.gov/intranet/bulletins/bulletins08-09.html>

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